

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C.

In the Matter of Acceleration of Broadband Deployment Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting	WC Docket No. 11-59
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**COMMENTS OF THE CITY OF SAN LUIS OBISPO, A MUNICIPAL CORPORATION  
AND CHARTERED CITY**

City of San Luis Obispo  
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## INTRODUCTION

The City of San Luis Obispo ("City") has a population of approximately 44,000, and is located eight miles from the Pacific Ocean off of California's Central Coast. The City's ideal weather and natural beauty provide numerous opportunities for outdoor recreation, attracting visitors from other areas. However, the City also serves as the governmental, commercial and cultural hub of California's Central Coast. The City is the county seat for the County of San Luis Obispo, and a number of federal and state regional offices and facilities, including California Polytechnic State University. With respect to cultural and commercial activities, the City has significant historical resources, such as its downtown Mission, which functions as the community's cultural and social center. In turn, this use of the Mission Plaza complements the bustling downtown commercial activities, such as shopping, dining, night life, and community events such as the Thursday Night's Farmers' Market. The City's unique blend of history, culture, commerce, entertainment and outdoor recreation has led it to be dubbed "the Happiest City in America."

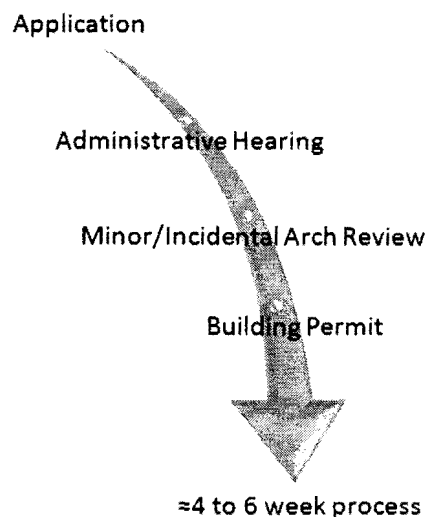
Becoming the "Happiest City" does not happen overnight. Rather, it is the result of a rigorous policy setting process with input from all stakeholders, and careful and consistent implementation. Accordingly, the City adopts various regulations to balance competing interests to ensure that the community's goals, safety and welfare are met. These regulations include those that govern wireless communications facilities. With respect to these regulations, the industry has alleged that: "Regardless of the status of the existing tower, collocation applications in certain jurisdictions must go through a full zoning review and hearing. One must obtain a variance or special use permit for each new collocation on a tower." This comment is submitted to reply to this allegation.

As discussed in further detail below, the point of the City's local regulations is to balance the interests of the owners of the wireless telecommunication facilities, as well as those in the business community that benefit from their services, with other interests and community values, such as preservation of the City's historic and natural beauty and the protection of the health, safety and welfare of the community's members. A summary of the approval process for wireless facilities follows:

### OVERVIEW OF THE CITY'S CURRENT PROCESS

**PURPOSE:** To establish standards for the development, siting and installation of wireless telecommunication facilities; to protect and promote public health, safety, and welfare; and to preserve view corridors and avoid adverse visual and environmental impacts. Projects may be subject to additional standards deemed appropriate through architectural review and use permit processing to address site-specific conditions.

**DEFINITION:** Wireless telecommunication facilities consist of commercial wireless communications systems, including but not limited to: cellular, PCS, paging, broadband, data transfer, and any other type of technology that fosters wireless communication through the use of portable electronic devices. A facility includes all supporting structures and associated equipment.



**EXEMPT FACILITIES:**

1. Government-owned communications facilities used primarily to protect public health, welfare, and safety.
2. Facilities operated by providers of emergency medical services, including hospital, ambulance, and medical air transportation services, for use in the provision of those services.
3. Satellite dish antennas for residential and commercial use, solely for the use of the occupants of the site, subject to compliance with development standards set forth in Section 17.16.100 et al of the zoning ordinance.
4. Any facility specifically exempted under federal or state law.

**PLANNING APPROVAL:** The installation of new wireless telecommunication facilities or modification of an existing installation requires administrative use permit approval (a staff level approval) and architectural review. The co-location of new wireless telecommunication facilities with an existing approved installation only requires architectural review and does not require another use permit. As a way of streamlining projects, applications for wireless telecommunication facilities (including co-location with existing facilities) are reviewed by staff and may begin at the Minor or Incidental (staff review) architectural review level. If the submitted project cannot be modified to a manner consistent with the Aesthetics and Visibility section of the wireless telecommunication facilities section of the City's Zoning Regulations and/or the Community Design Guidelines, then the project will be elevated to review by the Architectural Review Commission. Costs and processing times of the relevant potential review processes are as set forth below:

**Administrative Use Permit:** required to evaluate various uses to ensure compatibility with existing or desired conditions in their neighborhoods. Also a requirement for certain uses so that their detrimental effects can be reduced or avoided and potential conflicts in land use can be prevented.

**Administrative Use Permit Fee\*:** \$814

**Administrative Use Permit Process:** approximately 4 to 6 weeks.

**Architectural (Design) Review:** is required to evaluate the way a project relates to the site, the surrounding neighborhood, and the community as a whole; in regards to appearance and function.

**Design Review Fee\*:**

*Minor or Incidental:* \$1,055 or,

*Architectural Review Commission (If elevated to ARC):* \$2,710

**Design Review Process:**

*Minor or Incidental:* approximately 4 to 6 weeks or,

*Architectural Review Commission (If elevated to ARC):* approximately 8 to 12 weeks

*\*Fees are based on staff time and review process time.*

**BUILDING PERMIT:** a building permit is required for the construction, installation, or modification of wireless telecommunication facilities. Building permit fees are calculated on a per project basis. The prices below are examples from recent building permits.

**Building Permit Fee (approximates based on recent permits):**

*Addition of a new antenna at existing facility: approximately \$650*  
*New facility with single pole and equipment enclosure: approximately \$3000*

### **EXAMPLE**

2950 Broad Street: review for installation of a new wireless facility located within a roof extension and façade on an existing commercial building.

The duration of the project was approximately 6 weeks (06/20/2008 to 08/01/2008) from submittal to approval by the Staff Administrative Hearing Officer (Administrative Hearing) and the Community Development Director (Minor/Incidental Architectural Review).

The planning fees associated with this project (based on the 2007/08 fee schedule) include:

Administrative Use Permit: \$750

Minor/Incidental Arch. Review: \$972

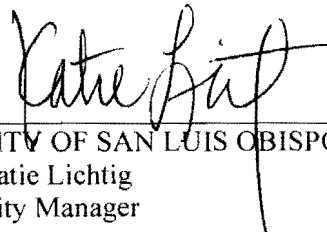
### **STREAMLINED PERMIT PROCESS**

City staff works with applicants to modify projects in the effort to ensure compliance with City regulations; this includes but is not limited to bringing such projects to department staff meetings to discuss requirements and possible modifications and site visits with the applicant. It is important to highlight that the City has never denied an application for a wireless telecommunication facility. In fact, in 2002 the City amended the Zoning Regulations to expand the zones in which wireless telecommunication facilities may locate, and in 2007 the City took efforts to facilitate broadband deployment by streamlining the permit process. Prior to 2007, the process to approve a wireless telecommunication facility required review by the Planning Commission (7-member advisory body, 8 to 12 week process) in addition to the Architectural Review Commission (7-member advisory body, 8 to 12 week process). The City streamlined this process to save time and money for applicants by reassigning review of such facilities to Administrative Hearings (review by the Community Development Director, 4 to 6 week process) and Minor or Incidental Architectural Review (staff level design review, 4 to 6 week process, *or ARC review*). The use permit and architectural review processes are concurrent.

### **CONCLUSION**

Since 2007, the City of San Luis Obispo has made significant efforts to streamline the permit process limiting the timeline and fees associated with review of wireless telecommunication facilities. The City works with applicants to ensure projects comply with community values and City regulations and has never denied an application for a wireless telecommunication facility. Accordingly, the City feels that its designation as a “bad actor” is factually unsupported and does not support the contention that new or different restrictions on the local review process are necessary or warranted.

Respectfully Submitted,



CITY OF SAN LUIS OBISPO, CALIFORNIA  
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